

## SENATE SUBSTITUTE

FOR

SENATE BILL NO. 327

## AN ACT

To repeal sections 135.325, 135.326, 135.327, 135.335, 135.800, 191.975, 193.075, 210.150, 211.447, 452.375, 453.014, 453.030, 453.040, and 453.070, RSMo, and to enact in lieu thereof sixteen new sections relating to child placement, with existing penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 135.325, 135.326, 135.327, 135.335, 2 135.800, 191.975, 193.075, 210.150, 211.447, 452.375, 453.014, 3 453.030, 453.040, and 453.070, RSMo, are repealed and sixteen 4 new sections enacted in lieu thereof, to be known as sections 5 135.325, 135.326, 135.327, 135.335, 135.800, 143.1170, 191.975, 6 193.075, 210.150, 210.156, 211.447, 452.375, 453.014, 453.030, 7 453.040, and 453.070, to read as follows:

135.325. Sections 135.325 to 135.339 shall be known 2 and may be cited as the "[Special Needs] Adoption Tax Credit 3 Act".

135.326. As used in sections 135.325 to 135.339, the 2 following terms shall mean:

3 (1) "Business entity", person, firm, a partner in a 4 firm, corporation or a shareholder in an S corporation doing 5 business in the state of Missouri and subject to the state 6 income tax imposed by the provisions of chapter 143, or a 7 corporation subject to the annual corporation franchise tax 8 imposed by the provisions of chapter 147, or an insurance 9 company paying an annual tax on its gross premium receipts 10 in this state, or other financial institution paying taxes 11 to the state of Missouri or any political subdivision of 12 this state under the provisions of chapter 148, or an

13 express company which pays an annual tax on its gross  
14 receipts in this state pursuant to chapter 153;

15 (2) "Child", any individual who:

16 (a) Has not attained an age of at least eighteen  
17 years; or

18 (b) Is eighteen years of age or older but is  
19 physically or mentally incapable of caring for himself or  
20 herself;

21 (3) "[Handicap] Disability", a mental, physical, or  
22 emotional impairment that substantially limits one or more  
23 major life activities, whether the impairment is congenital  
24 or acquired by accident, injury or disease, and where the  
25 impairment is verified by medical findings;

26 [(3)] (4) "Nonrecurring adoption expenses", reasonable  
27 and necessary adoption fees, court costs, attorney fees, and  
28 other expenses which are directly related to the legal  
29 adoption of a [special needs] child and which are not  
30 incurred in violation of federal, state, or local law;

31 [(4)] (5) "Special needs child", a child for whom it  
32 has been determined by the children's division, or by a  
33 child-placing agency licensed by the state, or by a court of  
34 competent jurisdiction to be a child:

35 (a) That cannot or should not be returned to the home  
36 of his or her parents; and

37 (b) Who has a specific factor or condition such as  
38 [ethnic background,] age, membership in a [minority or]  
39 sibling group, medical condition or diagnosis, or [handicap]  
40 disability because of which it is reasonable to conclude  
41 that such child cannot be easily placed with adoptive  
42 parents;

43 [(5)] (6) "State tax liability", any liability  
44 incurred by a taxpayer under the provisions of chapter 143,  
45 chapter 147, chapter 148, and chapter 153, exclusive of the

46 provisions relating to the withholding of tax as provided  
47 for in sections 143.191 to 143.265 and related provisions.

135.327. 1. Any person residing in this state who  
2 legally adopts a special needs child on or after January 1,  
3 1988, and before January 1, 2000, shall be eligible to  
4 receive a tax credit of up to ten thousand dollars for  
5 nonrecurring adoption expenses for each child adopted that  
6 may be applied to taxes due under chapter 143. Any business  
7 entity providing funds to an employee to enable that  
8 employee to legally adopt a special needs child shall be  
9 eligible to receive a tax credit of up to ten thousand  
10 dollars for nonrecurring adoption expenses for each child  
11 adopted that may be applied to taxes due under such business  
12 entity's state tax liability, except that only one ten  
13 thousand dollar credit is available for each special needs  
14 child that is adopted.

15 2. Any person residing in this state who proceeds in  
16 good faith with the adoption of a special needs child on or  
17 after January 1, 2000, and before January 1, 2022, shall be  
18 eligible to receive a tax credit of up to ten thousand  
19 dollars for nonrecurring adoption expenses for each child  
20 that may be applied to taxes due under chapter 143;  
21 provided, however, that beginning on March 29, 2013, the tax  
22 credits shall only be allocated for the adoption of special  
23 needs children who are residents or wards of residents of  
24 this state at the time the adoption is initiated. Any  
25 business entity providing funds to an employee to enable  
26 that employee to proceed in good faith with the adoption of  
27 a special needs child shall be eligible to receive a tax  
28 credit of up to ten thousand dollars for nonrecurring  
29 adoption expenses for each child that may be applied to  
30 taxes due under such business entity's state tax liability,

31 except that only one ten thousand dollar credit is available  
32 for each special needs child that is adopted.

33 3. Any person residing in this state who proceeds in  
34 good faith with the adoption of a child on or after January  
35 1, 2022, regardless of whether such child is a special needs  
36 child, shall be eligible to receive a tax credit of up to  
37 ten thousand dollars for nonrecurring adoption expenses for  
38 each child that may be applied to taxes due under chapter  
39 143. The tax credit shall be allowed regardless of whether  
40 the child adopted is a resident or ward of a resident of  
41 this state at the time the adoption is initiated; however,  
42 priority shall be given to applications to claim the tax  
43 credit for special needs children who are residents or wards  
44 of residents of this state at the time the adoption is  
45 initiated. Any business entity providing funds to an  
46 employee to enable that employee to proceed in good faith  
47 with the adoption of a child shall be eligible to receive a  
48 tax credit of up to ten thousand dollars for nonrecurring  
49 adoption expenses for each child that may be applied to  
50 taxes due under such business entity's state tax liability;  
51 except that, only one credit, up to ten thousand dollars,  
52 shall be available for each child who is adopted.

53 4. Individuals and business entities may claim a tax  
54 credit for their total nonrecurring adoption expenses in  
55 each year that the expenses are incurred. A claim for fifty  
56 percent of the credit shall be allowed when the child is  
57 placed in the home. A claim for the remaining fifty percent  
58 shall be allowed when the adoption is final. The total of  
59 these tax credits shall not exceed the maximum limit of ten  
60 thousand dollars per child. The cumulative amount of tax  
61 credits which may be claimed by taxpayers claiming the  
62 credit for nonrecurring adoption expenses in any one fiscal  
63 year prior to July 1, 2004, shall not exceed two million

64 dollars. The cumulative amount of tax credits that may be  
65 claimed by taxpayers claiming the credit for nonrecurring  
66 adoption expenses shall not be more than two million dollars  
67 but may be increased by appropriation in any fiscal year  
68 beginning on or after July 1, 2004, and ending on or before  
69 June 30, 2021. The cumulative amount of tax credits that  
70 may be claimed by taxpayers claiming the credit for  
71 nonrecurring adoption expenses shall not exceed five million  
72 dollars, but may be increased by appropriation, in any  
73 fiscal year beginning on or after July 1, 2021. For all  
74 fiscal years beginning on or after July 1, 2006,  
75 applications to claim the adoption tax credit [for special  
76 needs children who are residents or wards of residents of  
77 this state at the time the adoption is initiated] shall be  
78 filed between July first and April fifteenth of each fiscal  
79 year.

80 [4.] 5. Notwithstanding any provision of law to the  
81 contrary, any individual or business entity may assign,  
82 transfer or sell tax credits allowed in this section. Any  
83 sale of tax credits claimed pursuant to this section shall  
84 be at a discount rate of seventy-five percent or greater of  
85 the amount sold.

135.335. In the year of adoption and in any year  
2 thereafter in which the credit is carried forward pursuant  
3 to section 135.333, the credit shall be reduced by an amount  
4 equal to the state's cost of providing care, treatment,  
5 maintenance and services when:

6 (1) The [special needs] child is placed, with no  
7 intent to return to the adoptive home, in foster care or  
8 residential treatment licensed or operated by the children's  
9 division, the division of youth services or the department  
10 of mental health; or

11 (2) A juvenile court temporarily or finally relieves  
12 the adoptive parents of custody of the [special needs] child.

135.800. 1. The provisions of sections 135.800 to  
2 135.830 shall be known and may be cited as the "Tax Credit  
3 Accountability Act of 2004".

4 2. As used in sections 135.800 to 135.830, the  
5 following terms mean:

6 (1) "Administering agency", the state agency or  
7 department charged with administering a particular tax  
8 credit program, as set forth by the program's enacting  
9 statute; where no department or agency is set forth, the  
10 department of revenue;

11 (2) "Agricultural tax credits", the agricultural  
12 product utilization contributor tax credit created pursuant  
13 to section 348.430, the new generation cooperative incentive  
14 tax credit created pursuant to section 348.432, the family  
15 farm breeding livestock loan tax credit created under  
16 section 348.505, the qualified beef tax credit created under  
17 section 135.679, and the wine and grape production tax  
18 credit created pursuant to section 135.700;

19 (3) "All tax credit programs", or "any tax credit  
20 program", the tax credit programs included in the  
21 definitions of agricultural tax credits, business  
22 recruitment tax credits, community development tax credits,  
23 domestic and social tax credits, entrepreneurial tax  
24 credits, environmental tax credits, financial and insurance  
25 tax credits, housing tax credits, redevelopment tax credits,  
26 and training and educational tax credits;

27 (4) "Business recruitment tax credits", the business  
28 facility tax credit created pursuant to sections 135.110 to  
29 135.150 and section 135.258, the enterprise zone tax  
30 benefits created pursuant to sections 135.200 to 135.270,  
31 the business use incentives for large-scale development

32 programs created pursuant to sections 100.700 to 100.850,  
33 the development tax credits created pursuant to sections  
34 32.100 to 32.125, the rebuilding communities tax credit  
35 created pursuant to section 135.535, the film production tax  
36 credit created pursuant to section 135.750, the enhanced  
37 enterprise zone created pursuant to sections 135.950 to  
38 135.970, and the Missouri quality jobs program created  
39 pursuant to sections 620.1875 to 620.1900;

40 (5) "Community development tax credits", the  
41 neighborhood assistance tax credit created pursuant to  
42 sections 32.100 to 32.125, the family development account  
43 tax credit created pursuant to sections 208.750 to 208.775,  
44 the dry fire hydrant tax credit created pursuant to section  
45 320.093, and the transportation development tax credit  
46 created pursuant to section 135.545;

47 (6) "Domestic and social tax credits", the youth  
48 opportunities tax credit created pursuant to section 135.460  
49 and sections 620.1100 to 620.1103, the shelter for victims  
50 of domestic violence created pursuant to section 135.550,  
51 the senior citizen or disabled person property tax credit  
52 created pursuant to sections 135.010 to 135.035, the  
53 [special needs] adoption tax credit created pursuant to  
54 sections 135.325 to 135.339, the champion for children tax  
55 credit created pursuant to section 135.341, the maternity  
56 home tax credit created pursuant to section 135.600, the  
57 surviving spouse tax credit created pursuant to section  
58 135.090, the residential treatment agency tax credit created  
59 pursuant to section 135.1150, the pregnancy resource center  
60 tax credit created pursuant to section 135.630, the food  
61 pantry tax credit created pursuant to section 135.647, the  
62 health care access fund tax credit created pursuant to  
63 section 135.575, the residential dwelling access tax credit  
64 created pursuant to section 135.562, the developmental

65 disability care provider tax credit created under section  
66 135.1180, the shared care tax credit created pursuant to  
67 section 192.2015, and the diaper bank tax credit created  
68 pursuant to section 135.621;

69 (7) "Entrepreneurial tax credits", the capital tax  
70 credit created pursuant to sections 135.400 to 135.429, the  
71 certified capital company tax credit created pursuant to  
72 sections 135.500 to 135.529, the seed capital tax credit  
73 created pursuant to sections 348.300 to 348.318, the new  
74 enterprise creation tax credit created pursuant to sections  
75 620.635 to 620.653, the research tax credit created pursuant  
76 to section 620.1039, the small business incubator tax credit  
77 created pursuant to section 620.495, the guarantee fee tax  
78 credit created pursuant to section 135.766, and the new  
79 generation cooperative tax credit created pursuant to  
80 sections 32.105 to 32.125;

81 (8) "Environmental tax credits", the charcoal producer  
82 tax credit created pursuant to section 135.313, the wood  
83 energy tax credit created pursuant to sections 135.300 to  
84 135.311, and the alternative fuel stations tax credit  
85 created pursuant to section 135.710;

86 (9) "Financial and insurance tax credits", the bank  
87 franchise tax credit created pursuant to section 148.030,  
88 the bank tax credit for S corporations created pursuant to  
89 section 143.471, the exam fee tax credit created pursuant to  
90 section 148.400, the health insurance pool tax credit  
91 created pursuant to section 376.975, the life and health  
92 insurance guaranty tax credit created pursuant to section  
93 376.745, the property and casualty guaranty tax credit  
94 created pursuant to section 375.774, and the self-employed  
95 health insurance tax credit created pursuant to section  
96 143.119;



97 (10) "Housing tax credits", the neighborhood  
98 preservation tax credit created pursuant to sections 135.475  
99 to 135.487, the low-income housing tax credit created  
100 pursuant to sections 135.350 to 135.363, and the affordable  
101 housing tax credit created pursuant to sections 32.105 to  
102 32.125;

103 (11) "Recipient", the individual or entity who is the  
104 original applicant for and who receives proceeds from a tax  
105 credit program directly from the administering agency, the  
106 person or entity responsible for the reporting requirements  
107 established in section 135.805;

108 (12) "Redevelopment tax credits", the historic  
109 preservation tax credit created pursuant to sections 253.545  
110 to 253.559, the brownfield redevelopment program tax credit  
111 created pursuant to sections 447.700 to 447.718, the  
112 community development corporations tax credit created  
113 pursuant to sections 135.400 to 135.430, the infrastructure  
114 tax credit created pursuant to subsection 6 of section  
115 100.286, the bond guarantee tax credit created pursuant to  
116 section 100.297, the disabled access tax credit created  
117 pursuant to section 135.490, the new markets tax credit  
118 created pursuant to section 135.680, and the distressed  
119 areas land assemblage tax credit created pursuant to section  
120 99.1205;

121 (13) "Training and educational tax credits", the  
122 Missouri works new jobs tax credit and Missouri works  
123 retained jobs credit created pursuant to sections 620.800 to  
124 620.809.

143.1170. 1. As used in this section, the following  
2 terms mean:

3 (1) "Deduction", an amount subtracted from a  
4 taxpayer's Missouri adjusted gross income to determine the  
5 taxpayer's Missouri taxable income for a given tax year;

6           (2) "Foster parent", the same definition as provided  
7 under section 210.566;

8           (3) "Taxpayer", any individual who is a resident of  
9 this state and subject to the income tax imposed under this  
10 chapter, excluding withholding tax imposed under sections  
11 143.191 to 143.265.

12           2. (1) For all tax years beginning on or after  
13 January 1, 2022, a taxpayer shall be allowed a deduction for  
14 expenses incurred directly by the taxpayer in providing care  
15 as a foster parent to one or more children in this state.

16           (2) The amount of the deduction shall be equal to the  
17 amount of expenses directly incurred by the taxpayer in  
18 providing such care; provided that:

19           (a) If the taxpayer provides care as a foster parent  
20 for at least six months during the tax year, the total  
21 amount of the deduction claimed under this section shall not  
22 exceed five thousand dollars, provided that a deduction  
23 claimed under this section by taxpayers with a filing status  
24 of married filing separately shall not exceed two thousand  
25 five hundred dollars per taxpayer; and

26           (b) If the taxpayer provides care as a foster parent  
27 for less than six months during the tax year, the maximum  
28 deduction limits described in paragraph (a) of this  
29 subdivision shall apply, but such limits shall be reduced on  
30 a pro rata basis.

31           3. The department of revenue shall collaborate with  
32 the children's division of the department of social services  
33 in order to establish and implement a procedure to verify  
34 that a taxpayer claiming the deduction authorized under this  
35 section is a foster parent.

36           4. Each taxpayer claiming the deduction authorized  
37 under this section shall file an affidavit with such  
38 taxpayer's income tax return. The affidavit shall affirm

39 that the taxpayer is a foster parent and that the taxpayer  
40 is entitled to the deduction in the amount claimed on his or  
41 her tax return.

42 5. The department of revenue may promulgate all  
43 necessary rules and regulations for the administration of  
44 this section. Any rule or portion of a rule, as that term  
45 is defined in section 536.010, that is created under the  
46 authority delegated in this section shall become effective  
47 only if it complies with and is subject to all of the  
48 provisions of chapter 536 and, if applicable, section  
49 536.028. This section and chapter 536 are nonseverable, and  
50 if any of the powers vested with the general assembly  
51 pursuant to chapter 536 to review, to delay the effective  
52 date, or to disapprove and annul a rule are subsequently  
53 held unconstitutional, then the grant of rulemaking  
54 authority and any rule proposed or adopted after August 28,  
55 2021, shall be invalid and void.

191.975. 1. This section shall be known and may be  
2 cited as the "Adoption Awareness Law".

3 2. To raise public awareness and to educate the  
4 public, the department of social services, with the  
5 assistance of the department of health and senior services,  
6 shall be responsible for:

7 (1) Collecting and distributing resource materials to  
8 educate the public about foster care and adoption;

9 (2) Developing and distributing educational materials,  
10 including but not limited to videos, brochures and other  
11 media as part of a comprehensive public relations campaign  
12 about the positive option of adoption and foster care. The  
13 materials shall include, but not be limited to, information  
14 about:

15 (a) The benefits of adoption and foster care;

16 (b) Adoption and foster care procedures;

17 (c) Means of financing the cost of adoption and foster  
18 care[, ] including, but not limited to, adoption subsidies,  
19 foster care payments, and [special needs] adoption tax  
20 credits;

21 (d) Options for birth parents in choosing adoptive  
22 parents;

23 (e) Protection for and rights of birth parents and  
24 adoptive parents prior to and following the adoption;

25 (f) Location of adoption and foster care agencies;

26 (g) Information regarding various state health and  
27 social service programs for pregnant women and children,  
28 including but not limited to medical assistance programs and  
29 temporary assistance for needy families (TANF); and

30 (h) Referrals to appropriate counseling services,  
31 including but not be limited to counseling services for  
32 parents who are considering retaining custody of their  
33 children, placing their children for adoption, or becoming  
34 foster or adoptive parents; but excluding any referrals for  
35 abortion or to abortion facilities;

36 (3) Making such educational materials available  
37 through state and local public health clinics, public  
38 hospitals, family planning clinics, abortion facilities as  
39 defined in section 188.015, maternity homes as defined in  
40 section 135.600, child-placing agencies licensed pursuant to  
41 sections 210.481 to 210.536, attorneys whose practice  
42 involves private adoptions, in vitro fertilization clinics  
43 and private physicians for distribution to their patients  
44 who request such educational materials. Such materials  
45 shall also be available to the public through the department  
46 of social services' internet website;

47 (4) Establishing a toll-free telephone number for  
48 information on adoption and foster care, and to answer

49 questions and assist persons inquiring about becoming  
50 adoptive or foster parents.

51         3. In addition, the department may establish and  
52 implement an ongoing advertising campaign for the  
53 recruitment of adoptive and foster care families, with a  
54 special emphasis on the recruitment of qualified adoptive  
55 and foster care families for special needs children. Such  
56 advertising campaign may utilize, but shall not be limited  
57 to, the following media: television, radio, outdoor  
58 advertising, newspaper, magazines and other print media,  
59 websites, and the internet. The department may contract  
60 with professional advertising agencies or other professional  
61 entities to conduct such advertising campaign on behalf of  
62 the department.

63         4. The provisions of this section shall be subject to  
64 appropriations.

65         5. The department of social services shall promulgate  
66 rules for the implementation of this section in accordance  
67 with chapter 536.

193.075. 1. The forms of certificates and reports  
2 required by sections 193.005 to 193.325 or by regulations  
3 adopted hereunder shall include as a minimum the items  
4 recommended by the federal agency responsible for national  
5 vital statistics.

6         2. Each certificate, report, and other document  
7 required by sections 193.005 to 193.325 shall be on a form  
8 or in a format prescribed by the state registrar.

9         3. All vital records shall contain the date received  
10 for registration.

11         4. Information required in certificates or reports  
12 authorized by sections 193.005 to 193.325 may be filed and  
13 registered by photographic, electronic, or other means as  
14 prescribed by the state registrar.

15           5. In addition to other personal data required by the  
16 registrar to be entered on a birth certificate, each parent  
17 shall furnish to the registrar the Social Security account  
18 number, or numbers if applicable, issued to the parent  
19 unless the registrar finds good cause for not requiring the  
20 furnishing of such number or numbers. Good cause shall be  
21 determined in accordance with regulations established by the  
22 Secretary of the United States Department of Health and  
23 Human Services. The registrar shall make numbers furnished  
24 under this section available to the family support division  
25 and the children's division of the department of social  
26 services. Such numbers shall not be recorded on the birth  
27 certificate. The family support division shall not use any  
28 Social Security number furnished under the section for any  
29 purpose other than for the establishment and enforcement of  
30 child support obligations, and the confidentiality  
31 provisions and penalties contained in section 454.440 shall  
32 apply. The children's division shall not use any Social  
33 Security number furnished under this section for any purpose  
34 other than verifying the identity of a parent of a child  
35 whose birth record information is provided under section  
36 210.156 and the confidentiality provisions of section  
37 210.156 shall apply. Nothing in this section shall be  
38 construed to prohibit the department of health and senior  
39 services from using Social Security numbers for statistical  
40 purposes.

          210.150. 1. The children's division shall ensure the  
2 confidentiality of all reports and records made pursuant to  
3 sections 210.109 to 210.183 and maintained by the division,  
4 its local offices, the central registry, and other  
5 appropriate persons, officials, and institutions pursuant to  
6 sections 210.109 to 210.183. To protect the rights of the  
7 family and the child named in the report as a victim, the

8 children's division shall establish guidelines which will  
9 ensure that any disclosure of information concerning the  
10 abuse and neglect involving that child is made only to  
11 persons or agencies that have a right to such information.  
12 The division may require persons to make written requests  
13 for access to records maintained by the division. The  
14 division shall only release information to persons who have  
15 a right to such information. The division shall notify  
16 persons receiving information pursuant to subdivisions (2),  
17 (7), (8) and (9) of subsection 2 of this section of the  
18 purpose for which the information is released and of the  
19 penalties for unauthorized dissemination of information.  
20 Such information shall be used only for the purpose for  
21 which the information is released.

22 2. Only the following persons shall have access to  
23 investigation records contained in the central registry:

24 (1) Appropriate federal, state or local criminal  
25 justice agency personnel, or any agent of such entity, with  
26 a need for such information under the law to protect  
27 children from abuse or neglect;

28 (2) A physician or a designated agent who reasonably  
29 believes that the child being examined may be abused or  
30 neglected;

31 (3) Appropriate staff of the division and of its local  
32 offices, including interdisciplinary teams which are formed  
33 to assist the division in investigation, evaluation and  
34 treatment of child abuse and neglect cases or a  
35 multidisciplinary provider of professional treatment  
36 services for a child referred to the provider;

37 (4) Any child named in the report as a victim, or a  
38 legal representative, or the parent, if not the alleged  
39 perpetrator, or guardian of such person when such person is  
40 a minor, or is mentally ill or otherwise incompetent, but

41 the names of reporters shall not be furnished to persons in  
42 this category. Prior to the release of any identifying  
43 information, the division shall determine if the release of  
44 such identifying information may place a person's life or  
45 safety in danger. If the division makes the determination  
46 that a person's life or safety may be in danger, the  
47 identifying information shall not be released. The division  
48 shall provide a method for confirming or certifying that a  
49 designee is acting on behalf of a subject;

50 (5) Any alleged perpetrator named in the report, but  
51 the names of reporters shall not be furnished to persons in  
52 this category. Prior to the release of any identifying  
53 information, the division shall determine if the release of  
54 such identifying information may place a person's life or  
55 safety in danger. If the division makes the determination  
56 that a person's life or safety may be in danger, the  
57 identifying information shall not be released. However, the  
58 investigation reports will not be released to any alleged  
59 perpetrator with pending criminal charges arising out of the  
60 facts and circumstances named in the investigation records  
61 until an indictment is returned or an information filed;

62 (6) A grand jury, juvenile officer, prosecuting  
63 attorney, law enforcement officer involved in the  
64 investigation of child abuse or neglect, juvenile court or  
65 other court conducting abuse or neglect or child protective  
66 proceedings or child custody proceedings, and other federal,  
67 state and local government entities, or any agent of such  
68 entity, with a need for such information in order to carry  
69 out its responsibilities under the law to protect children  
70 from abuse or neglect;

71 (7) Any person engaged in a bona fide research  
72 purpose, with the permission of the director; provided,  
73 however, that no information identifying the child named in



74 the report as a victim or the reporters shall be made  
75 available to the researcher, unless the identifying  
76 information is essential to the research or evaluation and  
77 the child named in the report as a victim or, if the child  
78 is less than eighteen years of age, through the child's  
79 parent, or guardian provides written permission;

80 (8) Any child-care facility; child-placing agency;  
81 residential-care facility, including group homes; juvenile  
82 courts; public or private elementary schools; public or  
83 private secondary schools; or any other public or private  
84 agency exercising temporary supervision over a child or  
85 providing or having care or custody of a child who may  
86 request an examination of the central registry from the  
87 division for all employees and volunteers or prospective  
88 employees and volunteers, who do or will provide services or  
89 care to children. Any agency or business recognized by the  
90 division or business which provides training and places or  
91 recommends people for employment or for volunteers in  
92 positions where they will provide services or care to  
93 children may request the division to provide an examination  
94 of the central registry. Such agency or business shall  
95 provide verification of its status as a recognized agency.  
96 Requests for examinations shall be made to the division  
97 director or the director's designee in writing by the chief  
98 administrative officer of the above homes, centers, public  
99 and private elementary schools, public and private secondary  
100 schools, agencies, or courts. The division shall respond in  
101 writing to that officer. The response shall include  
102 information pertaining to the nature and disposition of any  
103 report or reports of abuse or neglect revealed by the  
104 examination of the central registry. This response shall  
105 not include any identifying information regarding any person  
106 other than the alleged perpetrator of the abuse or neglect;

107           (9) Any parent or legal guardian who inquires about a  
108 child abuse or neglect report involving a specific person or  
109 child-care facility who does or may provide services or care  
110 to a child of the person requesting the information.  
111 Request for examinations shall be made to the division  
112 director or the director's designee, in writing, by the  
113 parent or legal guardian of the child and shall be  
114 accompanied with a signed and notarized release form from  
115 the person who does or may provide care or services to the  
116 child. The notarized release form shall include the full  
117 name, date of birth and Social Security number of the person  
118 who does or may provide care or services to a child. The  
119 response shall include information pertaining to the nature  
120 and disposition of any report or reports of abuse or neglect  
121 revealed by the examination of the central registry. This  
122 response shall not include any identifying information  
123 regarding any person other than the alleged perpetrator of  
124 the abuse or neglect. The response shall be given within  
125 ten working days of the time it was received by the division;

126           (10) Any person who inquires about a child abuse or  
127 neglect report involving a specific child-care facility,  
128 child-placing agency, residential-care facility, public and  
129 private elementary schools, public and private secondary  
130 schools, juvenile court or other state agency. The  
131 information available to these persons is limited to the  
132 nature and disposition of any report contained in the  
133 central registry and shall not include any identifying  
134 information pertaining to any person mentioned in the report;

135           (11) Any state agency acting pursuant to statutes  
136 regarding a license of any person, institution, or agency  
137 which provides care for or services to children;

138 (12) Any child fatality review panel established  
139 pursuant to section 210.192 or any state child fatality  
140 review panel established pursuant to section 210.195;

141 (13) Any person who is a tenure-track or full-time  
142 research faculty member at an accredited institution of  
143 higher education engaged in scholarly research, with the  
144 permission of the director. Prior to the release of any  
145 identifying information, the director shall require the  
146 researcher to present a plan for maintaining the  
147 confidentiality of the identifying information. The  
148 researcher shall be prohibited from releasing the  
149 identifying information of individual cases; [and]

150 (14) Appropriate staff of the United States Department  
151 of Defense including, but not limited to, authorized family  
152 advocacy program staff or any other staff authorized to  
153 receive and respond to reports requested under 10 U.S.C.  
154 Section 1787, in cases where a report has been made and the  
155 suspected perpetrator or any person responsible for the  
156 care, custody, and control of the subject child is a member  
157 of any branch of the military or is a member of the Armed  
158 Forces, as defined in section 41.030; and

159 (15) The state registrar of vital statistics, or his  
160 or her designee, but the information made available shall be  
161 limited to identifying information only for the purposes of  
162 providing birth record information under section 210.156.

163 3. Only the following persons shall have access to  
164 records maintained by the division pursuant to section  
165 210.152 for which the division has received a report of  
166 child abuse and neglect and which the division has  
167 determined that there is insufficient evidence or in which  
168 the division proceeded with the family assessment and  
169 services approach:

170 (1) Appropriate staff of the division;

171           (2) Any child named in the report as a victim, or a  
172 legal representative, or the parent or guardian of such  
173 person when such person is a minor, or is mentally ill or  
174 otherwise incompetent. The names or other identifying  
175 information of reporters shall not be furnished to persons  
176 in this category. Prior to the release of any identifying  
177 information, the division shall determine if the release of  
178 such identifying information may place a person's life or  
179 safety in danger. If the division makes the determination  
180 that a person's life or safety may be in danger, the  
181 identifying information shall not be released. The division  
182 shall provide for a method for confirming or certifying that  
183 a designee is acting on behalf of a subject;

184           (3) Any alleged perpetrator named in the report, but  
185 the names of reporters shall not be furnished to persons in  
186 this category. Prior to the release of any identifying  
187 information, the division shall determine if the release of  
188 such identifying information may place a person's life or  
189 safety in danger. If the division makes the determination  
190 that a person's life or safety may be in danger, the  
191 identifying information shall not be released. However, the  
192 investigation reports will not be released to any alleged  
193 perpetrator with pending criminal charges arising out of the  
194 facts and circumstances named in the investigation records  
195 until an indictment is returned or an information filed;

196           (4) Any child fatality review panel established  
197 pursuant to section 210.192 or any state child fatality  
198 review panel established pursuant to section 210.195;

199           (5) Appropriate criminal justice agency personnel or  
200 juvenile officer;

201           (6) Multidisciplinary agency or individual including a  
202 physician or physician's designee who is providing services

203 to the child or family, with the consent of the parent or  
204 guardian of the child or legal representative of the child;

205 (7) Any person engaged in bona fide research purpose,  
206 with the permission of the director; provided, however, that  
207 no information identifying the subjects of the reports or  
208 the reporters shall be made available to the researcher,  
209 unless the identifying information is essential to the  
210 research or evaluation and the subject, or if a child,  
211 through the child's parent or guardian, provides written  
212 permission; and

213 (8) Appropriate staff of the United States Department  
214 of Defense including, but not limited to, authorized family  
215 advocacy program staff or any other staff authorized to  
216 receive and respond to reports requested under 10 U.S.C.  
217 Section 1787, in cases where a report has been made and the  
218 suspected perpetrator or any person responsible for the  
219 care, custody, and control of the subject child is a member  
220 of any branch of the military or is a member of the Armed  
221 Forces, as defined in section 41.030.

222 4. Any person who knowingly violates the provisions of  
223 this section, or who permits or encourages the unauthorized  
224 dissemination of information contained in the information  
225 system or the central registry and in reports and records  
226 made pursuant to sections 210.109 to 210.183, shall be  
227 guilty of a class A misdemeanor.

228 5. Nothing in this section shall preclude the release  
229 of findings or information about cases which resulted in a  
230 child fatality or near fatality. Such release is at the  
231 sole discretion of the director of the department of social  
232 services, based upon a review of the potential harm to other  
233 children within the immediate family.

234 6. Notwithstanding any provisions of this section or  
235 chapter to the contrary, if the division receives a report

236 and ascertains that a suspected perpetrator or any person  
237 responsible for the care, custody, and control of the  
238 subject child is a member of any branch of the military or  
239 is a member of the Armed Forces, as defined in section  
240 41.030, the division shall report its findings to the most  
241 relevant family advocacy program authorized by the United  
242 States Department of Defense or any other relevant person  
243 authorized by the United States Department of Defense to  
244 receive reports under 10 U.S.C. Section 1787.

210.156. 1. The children's division shall make  
2 available to the state registrar of vital statistics the  
3 identifying information of the following individuals of whom  
4 the division has knowledge:

5 (1) Individuals whose parental rights have been  
6 terminated under section 211.447 and who are identified in  
7 the central registry as having a finding by the division or  
8 a court adjudication of child abuse or neglect within the  
9 previous ten years; and

10 (2) Individuals identified in the central registry who  
11 have pled guilty or have been found guilty, within the  
12 previous ten years, of an offense under the following, if  
13 the victim is a child less than eighteen years of age:  
14 chapter 566 or section 565.020, 565.021, 565.023, 565.024,  
15 567.050, 568.020, 568.065, 573.023, 573.025, 573.035,  
16 573.037, 573.040, 573.200, or 573.205.

17 2. The state registrar shall provide to the division  
18 the birth record information of children born to individuals  
19 whose identifying information has been provided under  
20 subsection 1 of this section. The division shall verify  
21 that the parent of the child is the same individual whose  
22 identifying information was provided and, if the parent's  
23 identity has been verified, shall provide the appropriate  
24 local office with information regarding the birth of the

25 child. Appropriate local division personnel, or local  
26 providers designated by the division, shall initiate contact  
27 with the family, or make a good faith effort to do so, to  
28 determine if the parent or family has a need for services  
29 and provide such voluntary and time-limited services as  
30 appropriate. The division shall document the results of  
31 such contact and services provided, if any, in the  
32 information system established under section 210.109.

33 3. The children's division and the state registrar  
34 shall ensure the confidentiality of all identifying  
35 information and birth records provided under this section  
36 and shall not disclose such information and records except  
37 as needed to effectuate the provisions of this section.  
38 Such information and records shall be considered closed  
39 records under chapter 610.

40 4. The division may promulgate rules and regulations  
41 to implement the provisions of this section. Any rule or  
42 portion of a rule, as that term is defined in section  
43 536.010, that is created under the authority delegated in  
44 this section shall become effective only if it complies with  
45 and is subject to all of the provisions of chapter 536 and,  
46 if applicable, section 536.028. This section and chapter  
47 536 are nonseverable and if any of the powers vested with  
48 the general assembly pursuant to chapter 536 to review, to  
49 delay the effective date, or to disapprove and annul a rule  
50 are subsequently held unconstitutional, then the grant of  
51 rulemaking authority and any rule proposed or adopted after  
52 August 28, 2021, shall be invalid and void.

211.447. 1. Any information that could justify the  
2 filing of a petition to terminate parental rights may be  
3 referred to the juvenile officer by any person. The  
4 juvenile officer shall make a preliminary inquiry and if it  
5 appears that the information could justify the filing of a

6 petition, the juvenile officer may take further action,  
7 including filing a petition. If it does not appear to the  
8 juvenile officer that a petition should be filed, such  
9 officer shall so notify the informant in writing within  
10 thirty days of the referral. Such notification shall  
11 include the reasons that the petition will not be filed.

12 2. Except as provided for in subsection 4 of this  
13 section, a petition to terminate the parental rights of the  
14 child's parent or parents shall be filed by the juvenile  
15 officer or the division, or if such a petition has been  
16 filed by another party, the juvenile officer or the division  
17 shall seek to be joined as a party to the petition, when:

18 (1) Information available to the juvenile officer or  
19 the division establishes that the child has been in foster  
20 care for at least fifteen of the most recent twenty-two  
21 months; or

22 (2) A court of competent jurisdiction has determined  
23 the child to be an abandoned [infant] child. For purposes  
24 of this subdivision, [an "infant"] a "child" means any child  
25 [one year] under two years of age [or under] at the time of  
26 filing of the petition. The court may find that [an infant]  
27 a child has been abandoned if:

28 (a) The parent has left the child under circumstances  
29 that the identity of the child was unknown and could not be  
30 ascertained, despite diligent searching, and the parent has  
31 not come forward to claim the child; or

32 (b) The parent has, without good cause, left the child  
33 without any provision for parental support and without  
34 making arrangements to visit or communicate with the child,  
35 although able to do so, or, for a period of sixty days when  
36 the child was under one year of age, willfully,  
37 substantially, and continuously neglected to provide the  
38 child with necessary care and protection; or



39           (c) The parent has voluntarily relinquished a child  
40 under section 210.950; or  
41           (3) A court of competent jurisdiction has determined  
42 that the parent has:  
43           (a) Committed murder of another child of the parent; or  
44           (b) Committed voluntary manslaughter of another child  
45 of the parent; or  
46           (c) Aided or abetted, attempted, conspired or  
47 solicited to commit such a murder or voluntary manslaughter;  
48 or  
49           (d) Committed a felony assault that resulted in  
50 serious bodily injury to the child or to another child of  
51 the parent; or  
52           (4) The parent has been found guilty of or pled guilty  
53 to a felony violation of chapter 566, 567, 568, or 573 when  
54 the child or any child [in the family] was a victim[, or a  
55 violation of section 568.020 or 568.065 when the child or  
56 any child in the family was a victim]. As used in this  
57 subdivision, a "child" means any person who was under  
58 eighteen years of age at the time of the [crime and who  
59 resided with such parent or was related within the third  
60 degree of consanguinity or affinity to such parent] offense.  
61           3. A termination of parental rights petition shall be  
62 filed by the juvenile officer or the division, or if such a  
63 petition has been filed by another party, the juvenile  
64 officer or the division shall seek to be joined as a party  
65 to the petition, within sixty days of the judicial  
66 determinations required in subsection 2 of this section,  
67 except as provided in subsection 4 of this section. Failure  
68 to comply with this requirement shall not deprive the court  
69 of jurisdiction to adjudicate a petition for termination of  
70 parental rights which is filed outside of sixty days.

71 4. If grounds exist for termination of parental rights  
72 pursuant to subsection 2 of this section, the juvenile  
73 officer or the division may, but is not required to, file a  
74 petition to terminate the parental rights of the child's  
75 parent or parents if:

76 (1) The child is being cared for by a relative; or

77 (2) There exists a compelling reason for determining  
78 that filing such a petition would not be in the best  
79 interest of the child, as documented in the permanency plan  
80 which shall be made available for court review; or

81 (3) The family of the child has not been provided such  
82 services as provided for in section 211.183.

83 5. The juvenile officer or the division may file a  
84 petition to terminate the parental rights of the child's  
85 parent when it appears that one or more of the following  
86 grounds for termination exist:

87 (1) The child has been abandoned. For purposes of  
88 this subdivision a "child" means any child [over one year]  
89 two years of age or older at the time of filing of the  
90 petition. The court shall find that the child has been  
91 abandoned if, for a period of six months or longer:

92 (a) The parent has left the child under such  
93 circumstances that the identity of the child was unknown and  
94 could not be ascertained, despite diligent searching, and  
95 the parent has not come forward to claim the child; or

96 (b) The parent has, [without good cause, left the  
97 child without any provision for parental support and without  
98 making arrangements to visit or communicate with the child,  
99 although able to do so] for a period of six months  
100 immediately prior to the filing of the petition for  
101 termination of parental rights, willfully, substantially,  
102 and continuously neglected to provide the child with  
103 necessary care and protection;

104           (2) The child has been abused or neglected. In  
105 determining whether to terminate parental rights pursuant to  
106 this subdivision, the court shall consider and make findings  
107 on the following conditions or acts of the parent:

108           (a) A mental condition which is shown by competent  
109 evidence either to be permanent or such that there is no  
110 reasonable likelihood that the condition can be reversed and  
111 which renders the parent unable to knowingly provide the  
112 child the necessary care, custody and control;

113           (b) Chemical dependency which prevents the parent from  
114 consistently providing the necessary care, custody and  
115 control of the child and which cannot be treated so as to  
116 enable the parent to consistently provide such care, custody  
117 and control;

118           (c) A severe act or recurrent acts of physical,  
119 emotional or sexual abuse toward the child or any child in  
120 the family by the parent, including an act of incest, or by  
121 another under circumstances that indicate that the parent  
122 knew or should have known that such acts were being  
123 committed toward the child or any child in the family; or

124           (d) Repeated or continuous failure by the parent,  
125 although physically or financially able, to provide the  
126 child with adequate food, clothing, shelter, or education as  
127 defined by law, or other care and control necessary for the  
128 child's physical, mental, or emotional health and  
129 development.

130 Nothing in this subdivision shall be construed to permit  
131 discrimination on the basis of disability or disease;

132           (3) The child has been under the jurisdiction of the  
133 juvenile court for a period of one year, and the court finds  
134 that the conditions which led to the assumption of  
135 jurisdiction still persist, or conditions of a potentially  
136 harmful nature continue to exist, that there is little

137 likelihood that those conditions will be remedied at an  
138 early date so that the child can be returned to the parent  
139 in the near future, or the continuation of the parent-child  
140 relationship greatly diminishes the child's prospects for  
141 early integration into a stable and permanent home. In  
142 determining whether to terminate parental rights under this  
143 subdivision, the court shall consider and make findings on  
144 the following:

145 (a) The terms of a social service plan entered into by  
146 the parent and the division and the extent to which the  
147 parties have made progress in complying with those terms;

148 (b) The success or failure of the efforts of the  
149 juvenile officer, the division or other agency to aid the  
150 parent on a continuing basis in adjusting his circumstances  
151 or conduct to provide a proper home for the child;

152 (c) A mental condition which is shown by competent  
153 evidence either to be permanent or such that there is no  
154 reasonable likelihood that the condition can be reversed and  
155 which renders the parent unable to knowingly provide the  
156 child the necessary care, custody and control;

157 (d) Chemical dependency which prevents the parent from  
158 consistently providing the necessary care, custody and  
159 control over the child and which cannot be treated so as to  
160 enable the parent to consistently provide such care, custody  
161 and control; or

162 (4) The child was conceived and born as a result of an  
163 act of forcible rape or rape in the first degree. When the  
164 biological father has pled guilty to, or is convicted of,  
165 the forcible rape or rape in the first degree of the birth  
166 mother, such a plea or conviction shall be conclusive  
167 evidence supporting the termination of the biological  
168 father's parental rights; or

169           (5) (a) The parent is unfit to be a party to the  
170 parent and child relationship because of a consistent  
171 pattern of committing a specific abuse including, but not  
172 limited to, specific conditions directly relating to the  
173 parent and child relationship which are determined by the  
174 court to be of a duration or nature that renders the parent  
175 unable for the reasonably foreseeable future to care  
176 appropriately for the ongoing physical, mental, or emotional  
177 needs of the child.

178           (b) It is presumed that a parent is unfit to be a  
179 party to the parent and child relationship upon a showing  
180 that:

181           a. Within a three-year period immediately prior to the  
182 termination adjudication, the parent's parental rights to  
183 one or more other children were involuntarily terminated  
184 pursuant to subsection 2 or 4 of this section or subdivision  
185 (1), (2), or (3) of this subsection or similar laws of other  
186 states;

187           b. If the parent is the birth mother and within eight  
188 hours after the child's birth, the child's birth mother  
189 tested positive and over eight-hundredths of one percent  
190 blood alcohol content pursuant to testing under section  
191 577.020 for alcohol, or tested positive for cocaine, heroin,  
192 methamphetamine, a controlled substance as defined in  
193 section 195.010, or a prescription drug as defined in  
194 section 196.973, excepting those controlled substances or  
195 prescription drugs present in the mother's body as a result  
196 of medical treatment administered to the mother, and the  
197 birth mother is the biological mother of at least one other  
198 child who was adjudicated an abused or neglected minor by  
199 the mother or the mother has previously failed to complete  
200 recommended treatment services by the children's division  
201 through a family-centered services case;

202 c. If the parent is the birth mother and at the time  
203 of the child's birth or within eight hours after a child's  
204 birth the child tested positive for alcohol, cocaine,  
205 heroin, methamphetamine, a controlled substance as defined  
206 in section 195.010, or a prescription drug as defined in  
207 section 196.973, excepting those controlled substances or  
208 prescription drugs present in the mother's body as a result  
209 of medical treatment administered to the mother, and the  
210 birth mother is the biological mother of at least one other  
211 child who was adjudicated an abused or neglected minor by  
212 the mother or the mother has previously failed to complete  
213 recommended treatment services by the children's division  
214 through a family-centered services case; [or]

215 d. Within a three-year period immediately prior to the  
216 termination adjudication, the parent has pled guilty to or  
217 has been convicted of a felony involving the possession,  
218 distribution, or manufacture of cocaine, heroin, or  
219 methamphetamine, and the parent is the biological parent of  
220 at least one other child who was adjudicated an abused or  
221 neglected minor by such parent or such parent has previously  
222 failed to complete recommended treatment services by the  
223 children's division through a family-centered services case;  
224 or

225 e. For at least fifteen of the twenty-two months prior  
226 to the filing of the petition, the child has been in foster  
227 care under the jurisdiction of the juvenile court.

228 6. The juvenile court may terminate the rights of a  
229 parent to a child upon a petition filed by the juvenile  
230 officer or the division, or in adoption cases, by a  
231 prospective parent, if the court finds that the termination  
232 is in the best interest of the child and when it appears by  
233 clear, cogent and convincing evidence that grounds exist for  
234 termination pursuant to subsection 2, 4 or 5 of this section.

235           7. When considering whether to terminate the parent-  
236 child relationship pursuant to subsection 2 or 4 of this  
237 section or subdivision (1), (2), or (3) of subsection 5 of  
238 this section, the court shall evaluate and make findings on  
239 the following factors, when appropriate and applicable to  
240 the case:

241           (1) The emotional ties to the birth parent;

242           (2) The extent to which the parent has maintained  
243 regular visitation or other contact with the child;

244           (3) The extent of payment by the parent for the cost  
245 of care and maintenance of the child when financially able  
246 to do so including the time that the child is in the custody  
247 of the division or other child-placing agency;

248           (4) Whether additional services would be likely to  
249 bring about lasting parental adjustment enabling a return of  
250 the child to the parent within an ascertainable period of  
251 time;

252           (5) The parent's disinterest in or lack of commitment  
253 to the child;

254           (6) The conviction of the parent of a felony offense  
255 that the court finds is of such a nature that the child will  
256 be deprived of a stable home for a period of years;  
257 provided, however, that incarceration in and of itself shall  
258 not be grounds for termination of parental rights;

259           (7) Deliberate acts of the parent or acts of another  
260 of which the parent knew or should have known that subjects  
261 the child to a substantial risk of physical or mental harm.

262           8. The court may attach little or no weight to  
263 infrequent visitations, communications, or contributions.  
264 It is irrelevant in a termination proceeding that the  
265 maintenance of the parent-child relationship may serve as an  
266 inducement for the parent's rehabilitation.

267           9. In actions for adoption pursuant to chapter 453,  
268 the court may hear and determine the issues raised in a  
269 petition for adoption containing a prayer for termination of  
270 parental rights filed with the same effect as a petition  
271 permitted pursuant to subsection 2, 4, or 5 of this section.

272           10. The disability or disease of a parent shall not  
273 constitute a basis for a determination that a child is a  
274 child in need of care, for the removal of custody of a child  
275 from the parent, or for the termination of parental rights  
276 without a specific showing that there is a causal relation  
277 between the disability or disease and harm to the child.

278           11. A court of competent jurisdiction may terminate  
279 the parental rights of a biological father of a child if he  
280 is an alleged perpetrator of forcible rape under section  
281 566.030 as it existed prior to August 28, 2013, or rape in  
282 the first degree under section 566.030 that resulted in the  
283 conception and birth of the child. The biological mother  
284 who is the victim of the forcible rape or rape in the first  
285 degree or, if she is a minor, someone on her behalf may file  
286 a petition to terminate the parental rights of the  
287 biological father. The court may terminate the parental  
288 rights of the biological father if the court finds that by:

289           (1) Clear, cogent, and convincing evidence the  
290 biological father committed the act of forcible rape or rape  
291 in the first degree against the biological mother;

292           (2) Clear, cogent, and convincing evidence the child  
293 was conceived as a result of that act of forcible rape or  
294 rape in the first degree; and

295           (3) The preponderance of the evidence the termination  
296 of the parental rights of the biological father is in the  
297 best interests of the child.

298           12. In any action to terminate the parental rights of  
299 the biological father under subsection 11 of this section or



300 subdivision (5) of subsection 5 of this section, a court of  
301 competent jurisdiction may order that the mother and the  
302 child conceived and born as a result of forcible rape or  
303 rape in the first degree are entitled to obtain from the  
304 biological father certain payments, support, beneficiary  
305 designations, or other financial benefits. The court shall  
306 issue such order only if the mother gives her consent;  
307 provided, that the court shall first inform the mother that  
308 such order may require or obligate the mother to have  
309 continuous or future communication and contact with the  
310 biological father. Such order shall be issued without the  
311 biological father being entitled to or granted any custody,  
312 guardianship, visitation privileges, or other parent-child  
313 relationship, and may include any or all of the following:

314 (1) Payment for the reasonable expenses of the mother  
315 or the child, or both, related to pregnancy, labor,  
316 delivery, postpartum care, newborn care, or early childhood  
317 care;

318 (2) Child support under this chapter or chapter 210,  
319 452, or 454;

320 (3) All rights of the child to inherit under the  
321 probate code, as defined in section 472.010; provided that,  
322 for purposes of intestate succession, the biological father  
323 or his kindred shall have no right to inherit from or  
324 through the child;

325 (4) The designation of the child as the beneficiary of  
326 a life or accidental death insurance policy, annuity,  
327 contract, plan, or other product sold or issued by a life  
328 insurance company; or

329 (5) Any other payments, support, beneficiary  
330 designations, or financial benefits that are in the best  
331 interests of the child or for the reasonable expenses of the  
332 mother, or both.

333 If the mother declines to seek a court order for child  
334 support under this subsection, no state agency shall require  
335 the mother to do so in order to receive public assistance  
336 benefits for herself or the child, including, but not  
337 limited to, benefits for temporary assistance for needy  
338 families, supplemental nutrition assistance program, or MO  
339 HealthNet. The court order terminating the parental rights  
340 of the biological father under subdivision (5) of subsection  
341 5 of this section or subsection 11 of this section shall  
342 serve as a sufficient basis for a good cause or other  
343 exemptions under 42 U.S.C. Section 654(29) and the state  
344 agency shall not require the mother or the child to  
345 otherwise provide the identity, location, income, or assets  
346 of the biological father or have contact or communicate with  
347 the biological father. However, nothing in this subsection  
348 shall prohibit a state agency from requesting that the  
349 mother assign any child support rights she receives under  
350 this subsection to the state as a condition of receipt of  
351 public assistance benefits under applicable federal and  
352 state law.

452.375. 1. As used in this chapter, unless the  
2 context clearly indicates otherwise:

3 (1) "Custody" means joint legal custody, sole legal  
4 custody, joint physical custody or sole physical custody or  
5 any combination thereof;

6 (2) "Joint legal custody" means that the parents share  
7 the decision-making rights, responsibilities, and authority  
8 relating to the health, education and welfare of the child,  
9 and, unless allocated, apportioned, or decreed, the parents  
10 shall confer with one another in the exercise of decision-  
11 making rights, responsibilities, and authority;

12 (3) "Joint physical custody" means an order awarding  
13 each of the parents significant, but not necessarily equal,

14 periods of time during which a child resides with or is  
15 under the care and supervision of each of the parents.  
16 Joint physical custody shall be shared by the parents in  
17 such a way as to assure the child of frequent, continuing  
18 and meaningful contact with both parents;

19 (4) "Third-party custody" means a third party  
20 designated as a legal and physical custodian pursuant to  
21 subdivision (5) of subsection 5 of this section.

22 2. The court shall determine custody in accordance  
23 with the best interests of the child. When the parties have  
24 not reached an agreement on all issues related to custody,  
25 the court shall consider all relevant factors and enter  
26 written findings of fact and conclusions of law, including,  
27 but not limited to, the following:

28 (1) The wishes of the child's parents as to custody  
29 and the proposed parenting plan submitted by both parties;

30 (2) The needs of the child for a frequent, continuing  
31 and meaningful relationship with both parents and the  
32 ability and willingness of parents to actively perform their  
33 functions as mother and father for the needs of the child;

34 (3) The interaction and interrelationship of the child  
35 with parents, siblings, and any other person who may  
36 significantly affect the child's best interests;

37 (4) Which parent is more likely to allow the child  
38 frequent, continuing and meaningful contact with the other  
39 parent;

40 (5) The child's adjustment to the child's home,  
41 school, and community;

42 (6) The mental and physical health of all individuals  
43 involved, including any history of abuse of any individuals  
44 involved. If the court finds that a pattern of domestic  
45 violence as defined in section 455.010 has occurred, and, if  
46 the court also finds that awarding custody to the abusive

47 parent is in the best interest of the child, then the court  
48 shall enter written findings of fact and conclusions of  
49 law. Custody and visitation rights shall be ordered in a  
50 manner that best protects the child and any other child or  
51 children for whom the parent has custodial or visitation  
52 rights, and the parent or other family or household member  
53 who is the victim of domestic violence from any further harm;

54 (7) The intention of either parent to relocate the  
55 principal residence of the child; and

56 (8) The wishes of a child as to the child's  
57 custodian. The fact that a parent sends his or her child or  
58 children to a home school, as defined in section 167.031,  
59 shall not be the sole factor that a court considers in  
60 determining custody of such child or children.

61 3. (1) In any court proceedings relating to custody  
62 of a child, the court shall not award custody or  
63 unsupervised visitation of a child to a parent if such  
64 parent or any person residing with such parent has been  
65 found guilty of, or pled guilty to, any of the following  
66 offenses when a child was the victim:

67 (a) A felony violation of section 566.030, 566.031,  
68 566.032, 566.060, 566.061, 566.062, 566.064, 566.067,  
69 566.068, 566.083, 566.100, 566.101, 566.111, 566.151,  
70 566.203, 566.206, 566.209, 566.211, or 566.215;

71 (b) A violation of section 568.020;

72 (c) A violation of subdivision (2) of subsection 1 of  
73 section 568.060;

74 (d) A violation of section 568.065;

75 (e) A violation of section 573.200;

76 (f) A violation of section 573.205; or

77 (g) A violation of section 568.175.

78 (2) For all other violations of offenses in chapters  
79 566 and 568 not specifically listed in subdivision (1) of

80 this subsection or for a violation of an offense committed  
81 in another state when a child is the victim that would be a  
82 violation of chapter 566 or 568 if committed in Missouri,  
83 the court may exercise its discretion in awarding custody or  
84 visitation of a child to a parent if such parent or any  
85 person residing with such parent has been found guilty of,  
86 or pled guilty to, any such offense.

87 4. The general assembly finds and declares that it is  
88 the public policy of this state that frequent, continuing  
89 and meaningful contact with both parents after the parents  
90 have separated or dissolved their marriage is in the best  
91 interest of the child, except for cases where the court  
92 specifically finds that such contact is not in the best  
93 interest of the child, and that it is the public policy of  
94 this state to encourage parents to participate in decisions  
95 affecting the health, education and welfare of their  
96 children, and to resolve disputes involving their children  
97 amicably through alternative dispute resolution. In order  
98 to effectuate these policies, the court shall determine the  
99 custody arrangement which will best assure both parents  
100 participate in such decisions and have frequent, continuing  
101 and meaningful contact with their children so long as it is  
102 in the best interests of the child.

103 5. Prior to awarding the appropriate custody  
104 arrangement in the best interest of the child, the court  
105 shall consider each of the following as follows:

106 (1) Joint physical and joint legal custody to both  
107 parents, which shall not be denied solely for the reason  
108 that one parent opposes a joint physical and joint legal  
109 custody award. The residence of one of the parents shall be  
110 designated as the address of the child for mailing and  
111 educational purposes;

112 (2) Joint physical custody with one party granted sole  
113 legal custody. The residence of one of the parents shall be  
114 designated as the address of the child for mailing and  
115 educational purposes;

116 (3) Joint legal custody with one party granted sole  
117 physical custody;

118 (4) Sole custody to either parent; or

119 (5) Third-party custody or visitation:

120 (a) When the court finds that each parent is unfit,  
121 unsuitable, or unable to be a custodian, or the welfare of  
122 the child requires, and it is in the best interests of the  
123 child, then custody, temporary custody or visitation may be  
124 awarded a person related by consanguinity or affinity to the  
125 child. If no person related to the child by consanguinity  
126 or affinity is willing to accept custody, then the court may  
127 award custody to any other person or persons deemed by the  
128 court to be suitable and able to provide an adequate and  
129 stable environment for the child. Before the court awards  
130 custody, temporary custody or visitation to a third person  
131 under this subdivision, the court shall make that person a  
132 party to the action;

133 (b) Under the provisions of this subsection, any  
134 person may petition the court to intervene as a party in  
135 interest at any time as provided by supreme court rule.

136 6. If the parties have not agreed to a custodial  
137 arrangement, or the court determines such arrangement is not  
138 in the best interest of the child, the court shall include a  
139 written finding in the judgment or order based on the public  
140 policy in subsection 4 of this section and each of the  
141 factors listed in subdivisions (1) to (8) of subsection 2 of  
142 this section detailing the specific relevant factors that  
143 made a particular arrangement in the best interest of the  
144 child. If a proposed custodial arrangement is rejected by

145 the court, the court shall include a written finding in the  
146 judgment or order detailing the specific relevant factors  
147 resulting in the rejection of such arrangement.

148 7. Upon a finding by the court that either parent has  
149 refused to exchange information with the other parent, which  
150 shall include but not be limited to information concerning  
151 the health, education and welfare of the child, the court  
152 shall order the parent to comply immediately and to pay the  
153 prevailing party a sum equal to the prevailing party's cost  
154 associated with obtaining the requested information, which  
155 shall include but not be limited to reasonable attorney's  
156 fees and court costs.

157 8. As between the parents of a child, no preference  
158 may be given to either parent in the awarding of custody  
159 because of that parent's age, sex, or financial status, nor  
160 because of the age or sex of the child. The court shall not  
161 presume that a parent, solely because of his or her sex, is  
162 more qualified than the other parent to act as a joint or  
163 sole legal or physical custodian for the child.

164 9. Any judgment providing for custody shall include a  
165 specific written parenting plan setting forth the terms of  
166 such parenting plan arrangements specified in subsection 8  
167 of section 452.310. Such plan may be a parenting plan  
168 submitted by the parties pursuant to section 452.310 or, in  
169 the absence thereof, a plan determined by the court, but in  
170 all cases, the custody plan approved and ordered by the  
171 court shall be in the court's discretion and shall be in the  
172 best interest of the child.

173 10. After August 28, 2016, every court order  
174 establishing or modifying custody or visitation shall  
175 include the following language: "In the event of  
176 noncompliance with this order, the aggrieved party may file  
177 a verified motion for contempt. If custody, visitation, or

178 third-party custody is denied or interfered with by a parent  
179 or third party without good cause, the aggrieved person may  
180 file a family access motion with the court stating the  
181 specific facts that constitute a violation of the custody  
182 provisions of the judgment of dissolution, legal separation,  
183 or judgment of paternity. The circuit clerk will provide  
184 the aggrieved party with an explanation of the procedures  
185 for filing a family access motion and a simple form for use  
186 in filing the family access motion. A family access motion  
187 does not require the assistance of legal counsel to prepare  
188 and file."

189 11. No court shall adopt any local rule, form, or  
190 practice requiring a standardized or default parenting plan  
191 for interim, temporary, or permanent orders or judgments.  
192 Notwithstanding any other provision to the contrary, a court  
193 may enter an interim order in a proceeding under this  
194 chapter, provided that the interim order shall not contain  
195 any provisions about child custody or a parenting schedule  
196 or plan without first providing the parties with notice and  
197 a hearing, unless the parties otherwise agree.

198 12. Unless a parent has been denied custody rights  
199 pursuant to this section or visitation rights under section  
200 452.400, both parents shall have access to records and  
201 information pertaining to a minor child including, but not  
202 limited to, medical, dental, and school records. If the  
203 parent without custody has been granted restricted or  
204 supervised visitation because the court has found that the  
205 parent with custody or any child has been the victim of  
206 domestic violence, as defined in section 455.010, by the  
207 parent without custody, the court may order that the reports  
208 and records made available pursuant to this subsection not  
209 include the address of the parent with custody or the  
210 child. A court shall order that the reports and records



211 made available under this subsection not include the address  
212 of the parent with custody if the parent with custody is a  
213 participant in the address confidentiality program under  
214 section 589.663. Unless a parent has been denied custody  
215 rights pursuant to this section or visitation rights under  
216 section 452.400, any judgment of dissolution or other  
217 applicable court order shall specifically allow both parents  
218 access to such records and reports.

219       13. Except as otherwise precluded by state or federal  
220 law, if any individual, professional, public or private  
221 institution or organization denies access or fails to  
222 provide or disclose any and all records and information,  
223 including, but not limited to, past and present dental,  
224 medical and school records pertaining to a minor child, to  
225 either parent upon the written request of such parent, the  
226 court shall, upon its finding that the individual,  
227 professional, public or private institution or organization  
228 denied such request without good cause, order that party to  
229 comply immediately with such request and to pay to the  
230 prevailing party all costs incurred, including, but not  
231 limited to, attorney's fees and court costs associated with  
232 obtaining the requested information.

233       14. An award of joint custody does not preclude an  
234 award of child support pursuant to section 452.340 and  
235 applicable supreme court rules. The court shall consider  
236 the factors contained in section 452.340 and applicable  
237 supreme court rules in determining an amount reasonable or  
238 necessary for the support of the child.

239       15. If the court finds that domestic violence or abuse  
240 as defined in section 455.010 has occurred, the court shall  
241 make specific findings of fact to show that the custody or  
242 visitation arrangement ordered by the court best protects  
243 the child and the parent or other family or household member

244 who is the victim of domestic violence, as defined in  
245 section 455.010, and any other children for whom such parent  
246 has custodial or visitation rights from any further harm.

453.014. 1. The following persons may place a minor  
2 for adoption:

3 (1) The children's division of the department of  
4 social services;

5 (2) A child placing agency licensed pursuant to  
6 sections 210.481 to 210.536;

7 (3) The child's parents, without the direct or  
8 indirect assistance of an intermediary, in the home of a  
9 relative of the child within the third degree;

10 (4) An intermediary, which shall include an attorney  
11 licensed pursuant to chapter 484; a physician licensed  
12 pursuant to chapter 334; or a clergyman of the parents.

13 2. All persons granted the authority to place a minor  
14 child for adoption as designated in subdivision (1), (2) or  
15 (4) of subsection 1 of this section shall comply with the  
16 rules and regulations promulgated by the children's division  
17 of the department of social services [and the department of  
18 health and senior services] for such placement.

19 3. The children's division of the department of social  
20 services [and the department of health and senior services]  
21 shall promulgate rules and regulations regarding the  
22 placement of a minor for adoption.

23 4. No rule or portion of a rule promulgated under the  
24 authority of this section shall become effective unless it  
25 has been promulgated pursuant to the provisions of section  
26 536.024.

453.030. 1. In all cases the approval of the court of  
2 the adoption shall be required and such approval shall be  
3 given or withheld as the welfare of the person sought to be  
4 adopted may, in the opinion of the court, demand.

5           2. The written consent of the person to be adopted  
6 shall be required in all cases where the person sought to be  
7 adopted is fourteen years of age or older, except where the  
8 court finds that such child has not sufficient mental  
9 capacity to give the same. In a case involving a child  
10 under fourteen years of age, the guardian ad litem shall  
11 ascertain the child's wishes and feelings about his or her  
12 adoption by conducting an interview or interviews with the  
13 child, if appropriate based on the child's age and maturity  
14 level, which shall be considered by the court as a factor in  
15 determining if the adoption is in the child's best interests.

16           3. With the exceptions specifically enumerated in  
17 section 453.040, when the person sought to be adopted is  
18 under the age of eighteen years, the written consent of the  
19 following persons shall be required and filed in and made a  
20 part of the files and record of the proceeding:

21           (1) The mother of the child;

22           (2) Any man who:

23           (a) Is presumed to be the father pursuant to  
24 subdivision (1), (2), or (3) of subsection 1 of section  
25 210.822; or

26           (b) Has filed an action to establish his paternity in  
27 a court of competent jurisdiction no later than fifteen days  
28 after the birth of the child and has served a copy of the  
29 petition on the mother in accordance with section 506.100; or

30           (c) Filed with the putative father registry pursuant  
31 to section 192.016 a notice of intent to claim paternity or  
32 an acknowledgment of paternity either prior to or within  
33 fifteen days after the child's birth, and has filed an  
34 action to establish his paternity in a court of competent  
35 jurisdiction no later than fifteen days after the birth of  
36 the child; and

37           (3) The child's current adoptive parents or other  
38 legally recognized mother and father.

39 Upon request by the petitioner and within one business day  
40 of such request, the clerk of the local court shall verify  
41 whether such written consents have been filed with the court.

42           4. The written consent required in subdivisions (2)  
43 and (3) of subsection 3 of this section may be executed  
44 before or after the birth of the child or before or after  
45 the commencement of the adoption proceedings, and shall be  
46 executed in front of a judge or acknowledged before a notary  
47 public. If consent is executed in front of a judge, it  
48 shall be the duty of the judge to advise the consenting  
49 birth parent of the consequences of the consent. In lieu of  
50 such acknowledgment, the signature of the person giving such  
51 written consent shall be witnessed by the signatures of at  
52 least two adult persons whose signatures and addresses shall  
53 be plainly written thereon. The two adult witnesses shall  
54 not be the prospective adoptive parents or any attorney  
55 representing a party to the adoption proceeding other than  
56 the attorney representing the party signing the consent.  
57 The notary public or witnesses shall verify the identity of  
58 the party signing the consent. Notwithstanding any other  
59 provision of law to the contrary, a properly executed  
60 written consent under this subsection shall be considered  
61 irrevocable.

62           5. The written consent required in subdivision (1) of  
63 subsection 3 of this section by the birth mother shall not  
64 be executed anytime before the child is forty-eight hours  
65 old. Such written consent shall be executed in front of a  
66 judge or acknowledged before a notary public. If consent is  
67 executed in front of a judge, it shall be the duty of the  
68 judge to advise the consenting party of the consequences of  
69 the consent. In lieu of acknowledgment before a notary

70 public, the signature of the person giving such written  
71 consent shall be witnessed by the signatures of at least two  
72 adult persons who are present at the execution whose  
73 signatures and addresses shall be plainly written thereon  
74 and who determine and certify that the consent is knowingly  
75 and freely given. The two adult witnesses shall not be the  
76 prospective adoptive parents or any attorney representing a  
77 party to the adoption proceeding other than the attorney  
78 representing the party signing the consent. The notary  
79 public or witnesses shall verify the identity of the party  
80 signing the consent.

81 6. A consent is final when executed, unless the  
82 consenting party, prior to a final decree of adoption,  
83 alleges and proves by clear and convincing evidence that the  
84 consent was not freely and voluntarily given. The burden of  
85 proving the consent was not freely and voluntarily given  
86 shall rest with the consenting party. Consents in all cases  
87 shall have been executed not more than six months prior to  
88 the date the petition for adoption is filed.

89 7. A consent form shall be developed through rules and  
90 regulations promulgated by the children's division of the  
91 department of social services. No rule or portion of a rule  
92 promulgated under the authority of this section shall become  
93 effective unless it has been promulgated pursuant to the  
94 provisions of chapter 536. If a written consent is obtained  
95 after August 28, 1997, but prior to the development of a  
96 consent form by the department and the written consent  
97 complies with the provisions of subsection 8 of this  
98 section, such written consent shall be deemed valid.

99 8. However, the consent form must specify that:

100 (1) The birth parent understands the importance of  
101 identifying all possible fathers of the child and may  
102 provide the names of all such persons; and

103           (2) The birth parent understands that if he denies  
104 paternity, but consents to the adoption, he waives any  
105 future interest in the child.

106           9. The written consent to adoption required by  
107 subsection 3 and executed through procedures set forth in  
108 subsection 5 of this section shall be valid and effective  
109 even though the parent consenting was under eighteen years  
110 of age, if such parent was represented by a guardian ad  
111 litem, at the time of the execution thereof.

112           10. Where the person sought to be adopted is eighteen  
113 years of age or older, his or her written consent alone to  
114 his or her adoption shall be sufficient.

115           11. A birth parent, including a birth parent less than  
116 eighteen years of age, shall have the right to legal  
117 representation [and payment of any reasonable legal fees  
118 incurred throughout the adoption process]. In addition, the  
119 court may appoint an attorney to represent a birth parent  
120 less than eighteen years of age if:

121           (1) A birth parent requests representation;

122           (2) The court finds that hiring an attorney to  
123 represent such birth parent would cause a financial hardship  
124 for the birth parent; and

125           (3) The birth parent is not already represented by  
126 counsel.

127           12. [Except in cases where the court determines that  
128 the adoptive parents are unable to pay reasonable attorney  
129 fees and appoints pro bono counsel for the birth parents,  
130 the court shall order the costs of the attorney fees  
131 incurred pursuant to subsection 11 of this section to be  
132 paid by the prospective adoptive parents or the child-  
133 placing agency.

134           13.] The court shall receive and acknowledge a written  
135 consent to adoption properly executed by a birth parent

136 under this section when such consent is in the best  
137 interests of the child.

453.040. The consent to the adoption of a child is not  
2 required of:

3 (1) A parent whose rights with reference to the child  
4 have been terminated pursuant to law, including section  
5 211.444 or section 211.447 or other similar laws in other  
6 states;

7 (2) A parent of a child who has legally consented to a  
8 future adoption of the child;

9 (3) A parent whose identity is unknown and cannot be  
10 ascertained at the time of the filing of the petition;

11 (4) A man who has not been established to be the  
12 father and who is not presumed by law to be the father, and  
13 who, after the conception of the child, executes a verified  
14 statement denying paternity and disclaiming any interest in  
15 the child and acknowledging that this statement is  
16 irrevocable when executed and follows the consent as set  
17 forth in section 453.030;

18 (5) A parent or other person who has not executed a  
19 consent and who, after proper service of process, fails to  
20 file an answer or make an appearance in a proceeding for  
21 adoption or for termination of parental rights at the time  
22 such cause is heard;

23 (6) A parent who has a mental condition which is shown  
24 by competent evidence either to be permanent or such that  
25 there is no reasonable likelihood that the condition can be  
26 reversed and which renders the parent unable to knowingly  
27 provide the child the necessary care, custody and control;

28 (7) A parent who has [for a period of at least six  
29 months, for a child one year of age or older, or at least  
30 sixty days, for a child under one year of age, immediately  
31 prior to the filing of the petition for adoption, willfully

32 abandoned the child or, for a period of at least six months  
33 immediately prior to the filing of the petition for  
34 adoption, willfully, substantially and continuously  
35 neglected to provide him with necessary care and protection]  
36 abandoned a child as described in paragraph (b) of  
37 subdivision (2) of subsection 2 of section 211.447 or  
38 paragraph (b) of subdivision (1) of subsection 5 of section  
39 211.447;

40 (8) A parent whose rights to the child may be  
41 terminated for any of the grounds set forth in section  
42 211.447 and whose rights have been terminated after hearing  
43 and proof of such grounds as required by sections 211.442 to  
44 211.487. Such petition for termination may be filed as a  
45 count in an adoption petition.

453.070. 1. Except as provided in subsection 5 of  
2 this section, no decree for the adoption of a child under  
3 eighteen years of age shall be entered for the petitioner or  
4 petitioners in such adoption as ordered by the juvenile  
5 court having jurisdiction, until a full investigation, which  
6 includes an assessment of the adoptive parents, an  
7 appropriate postplacement assessment and a summary of  
8 written reports as provided for in section 453.026, and any  
9 other pertinent information relevant to whether the child is  
10 suitable for adoption by the petitioner and whether the  
11 petitioner is suitable as a parent for the child, has been  
12 made. The report shall also include a statement to the  
13 effect that the child has been considered as a potential  
14 subsidy recipient.

15 2. Such investigation shall be made, as directed by  
16 the court having jurisdiction, either by the children's  
17 division of the department of social services, a juvenile  
18 court officer, a licensed child-placement agency, a social  
19 worker, a professional counselor, or a psychologist licensed



20 under chapter 337 and associated with a licensed child-  
21 placement agency, or other suitable person appointed by the  
22 court. The results of such investigation shall be embodied  
23 in a written report that shall be submitted to the court  
24 within ninety days of the request for the investigation.

25 3. The children's division shall develop rules and  
26 regulations regarding the content of the assessment of the  
27 petitioner or petitioners. The content of the assessment  
28 shall include but not be limited to a report on the  
29 condition of the petitioner's home and information on the  
30 petitioner's education, financial, marital, medical and  
31 psychological status and criminal background check. If an  
32 assessment is conducted after August 28, 1997, but prior to  
33 the promulgation of rules and regulations by the  
34 [department] children's division concerning the contents of  
35 such assessment, any discrepancy between the contents of the  
36 actual assessment and the contents of the assessment  
37 required by [department] children's division rule shall not  
38 be used as the sole basis for invalidating an adoption. No  
39 rule or portion of a rule promulgated pursuant to the  
40 authority of this section shall become effective unless it  
41 has been promulgated pursuant to the provisions of chapter  
42 536.

43 4. The assessment of petitioner or petitioners shall  
44 be submitted to the petitioner and to the court prior to the  
45 scheduled hearing of the adoptive petition.

46 5. In cases where the adoption or custody involves a  
47 child under eighteen years of age that is the natural child  
48 of one of the petitioners and where all of the parents  
49 required by this chapter to give consent to the adoption or  
50 transfer of custody have given such consent, the juvenile  
51 court may waive the investigation and report, except the  
52 criminal background check, and enter the decree for the

53 adoption or order the transfer of custody without such  
54 investigation and report.

55         6. In the case of an investigation and report made by  
56 the children's division by order of the court, the court may  
57 order the payment of a reasonable fee by the petitioner to  
58 cover the costs of the investigation and report.

59         7. Any adult person or persons over the age of  
60 eighteen who, as foster parent or parents, have cared for a  
61 foster child continuously for a period of nine months or  
62 more and bonding has occurred as evidenced by the positive  
63 emotional and physical interaction between the foster parent  
64 and child, may apply to such authorized agency for the  
65 placement of such child with them for the purpose of  
66 adoption if the child is eligible for adoption. The agency  
67 and court shall give preference and first consideration for  
68 adoptive placements to foster parents. However, the final  
69 determination of the propriety of the adoption of such  
70 foster child shall be within the sole discretion of the  
71 court.

72         8. (1) Nothing in this section shall be construed to  
73 permit discrimination on the basis of disability or disease  
74 of a prospective adoptive parent.

75         (2) The disability or disease of a prospective  
76 adoptive parent shall not constitute a basis for a  
77 determination that the petitioner is unfit or not suitable  
78 to be an adoptive parent without a specific showing that  
79 there is a causal relationship between the disability or  
80 disease and a substantial and significant risk of harm to a  
81 child.